

# SENATE BILL REPORT

## SB 5148

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As Passed Senate, February 16, 2005

**Title:** An act relating to repealing the crime of slander of a woman.

**Brief Description:** Repealing the crime of "slander of a woman."

**Sponsors:** Senators Kohl-Welles, Kline, Fairley and Carrell.

**Brief History:**

**Committee Activity:** Judiciary: 1/20/05, 2/3/05 [DP].

Passed Senate: 2/16/05, 47-1.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, Rasmussen and Thibaudeau.

**Staff:** Lilah Amos (786-7429)

**Background:** It is illegal to maliciously make a false or defamatory statement about any female who is at least twelve years of age and who is not a "common prostitute" if the statement injures her reputation for virtue or chastity or exposes her to hatred, contempt, or ridicule. Violation of the statute is a misdemeanor.

The statement is presumed to be malicious unless it is justified. The affirmative defense of justification is proven when the statement is "true and fair," and was spoken "with good motives and for justifiable ends."

The testimony of the woman slandered that the slanderous statement was made is insufficient to support a conviction unless there is additional corroborating evidence.

**Summary of Bill:** Slander of a woman is no longer a crime in Washington. The statute criminalizing slander of woman, and the statute requiring corroboration of the victim's claim that the statement was made in order to convict of the crime, are each repealed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This law, enacted in 1909, is archaic, out-dated, and raises constitutional issues of free speech and equal protection. It is an anachronism in contemporary society.

**Testimony Against:** None.

**Who Testified:** Senator Jeanne Kohl-Welles.

Signed In/Did Not Testify: PRO: Jennifer Shaw, ACLU.